

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

TEAM SCHIERL COMPANIES and  
HEARTLAND FARMS, INC., on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

ASPIRUS, INC., and ASPIRUS NETWORK,  
INC.,

*Defendants.*

Civil Action No. 3:22-cv-00580-jdp

Hon. James D. Peterson, U.S.D.J.

Hon. Stephen L. Crocker, U.S.M.J.

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**STIPULATED MOTION FOR ENTRY OF ESI AGREEMENT AND PROTOCOL**

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Pursuant to Rule 26(b) of the Federal Rules of Civil Procedure, Plaintiffs Team Schierl Companies and Heartland Farms, Inc., and Defendants Aspirus, Inc. and Aspirus Network, Inc., move the Court for entry of the attached ESI Agreement and Protocol.

The grounds for this motion are as follows:

1. Information discoverable in this dispute will, in large part, consist of electronically stored information (“ESI”), as contemplated by Rules 26(b)(2)(B)-(C) and 37(e).
2. The proposed ESI Agreement and Protocol is necessary to provide the parties with reasonable rules and limits governing the types of information to be preserved, collected, searched, reviewed and produced, as well as designate the types of information that do not need to be preserved, collected, searched, reviewed and produced. This agreement was negotiated by the parties in accordance with Rule 26(b)(1)’s relevance and proportionality directives and the Court’s Standing Order Regarding ESI. Dkt. No. 33.

3. The ESI Agreement and Protocol, attached hereto, will facilitate discovery and will enable the parties to produce and obtain the information needed to prove and/or defend their respective cases, while reducing the burdens and expenses associated with preserving, collecting, searching, reviewing, and producing ESI. The ESI Agreement and Protocol also requires that the parties meet and confer and make a good faith attempt to resolve any disputes prior to seeking relief for any ESI-related discovery disputes from the Court.

WHEREFORE, the parties jointly request that the Court enter the attached ESI Agreement and Protocol Order.

Dated this 9<sup>th</sup> day of June, 2023

Respectfully submitted,

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